

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK**

ADELE VARGA, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

GENERAL ELECTRIC COMPANY and
JEFFREY ROBERT IMMELT,

Defendants.

Civil Action No. 1:18-cv-1449 (GLS/DJS)

**NOTICE OF MOTION
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that Defendants General Electric Company (GE) and Jeffrey Robert Immelt, by their undersigned counsel, will move this Court, at the United States District Court, James T. Foley U.S. Courthouse, 445 Broadway, Room 112, Albany, New York 12207 at 9:00 a.m., on the 16th day of May, 2019, for an order dismissing with prejudice Plaintiff's Complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). In support of their motion, Defendants rely on their Memorandum in Support of Defendants' Motion to Dismiss, the Declaration of Jaime A. Santos and the exhibits attached thereto, and the Declaration of Eric Kierkegaard and the exhibit attached thereto, all of which are filed concurrently herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7.1(b)(1), Plaintiff shall file and serve responding papers no later than April 30, 2019.

Dated: April 8, 2019

Respectfully Submitted,

/s/ James O. Fleckner

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2019 this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ James O. Fleckner

James O. Fleckner